




## DEPARTMENT OF MENTAL HEALTH POLICY/PROCEDURE

SUBJECT <b>PROFESSIONAL LICENSES</b>	POLICY NO. <b>600.08</b>	EFFECTIVE DATE <b>12/01/2003</b>	PAGE <b>1 of 4</b>
APPROVED BY:  Director	SUPERSEDES <b>600.8</b> <b>12/01/2003</b>	ORIGINAL ISSUE DATE <b>09/01/1981</b>	DISTRIBUTION LEVEL(S) <b>1, 2</b>

### PUPROSE

- 1.1 To provide direction on Department of Mental Health (DMH) requirements regarding professional licenses, registrations, certificates and license waivers.

### DEFINITION

- 2.1 As used in this policy, *license* also means *registration, certification, license waiver* as applicable to the specific classification.

### POLICY

- 3.1 As a condition of employment, employees holding any payroll title that has licensure as a requirement, must maintain a valid and active license at all times.
- 3.2 Psychologists or Psychiatric Social Workers I (PSW I) who are not licensed by the relevant time limit set by this policy may not perform any duties requiring a license and may be terminated from DMH employment for lack of meeting licensure requirements within required time frames to perform clinical functions.
- 3.2.1 At the discretion of DMH, employees may be allowed to demote voluntarily to lower level, non-treatment positions for which they have satisfactorily demonstrated the required skills and abilities.
- 3.2.2 Employees may also be considered for continued employment if they demote voluntarily to a previously held non-treatment position in which they performed at a competent level, provided vacant, budgeted positions are available.
- 3.3 It is the responsibility of employees to ensure that State examination requirements are met and licensure is obtained within applicable deadlines.



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- 3.4 DMH may forgo the licensure requirement for PSW I, Community Mental Health Psychologist and Clinical Psychologist II positions, in accordance with Welfare and Institutions Code Section 4996.18 and 5751.2 respectively. This permits individuals employed in these positions to gain qualifying experience for the respective California State licensing examination and/or sufficient time to apply for, take and pass the relevant examination.
- 3.5 Employees are subject to disciplinary action, including suspension, reduction or discharge, if they allow their licensure to expire or their license is revoked, or if they fail to renew the required license in a timely manner.
  - 3.5.1 Timely renewal is renewal prior to the expiration date, regardless of any “grace period” permitted by the relevant licensing board, agency or organization.
- 3.6 When a license issued by a government agency is required, it must be with the appropriate California government agency or board, pursuant to State law. If a certification or registration with a non-governmental organization is required (e.g., for Occupational Therapist classifications), it must be issued by the organization identified in the relevant class specification.
- 3.7 In addition to Physician and Surgeon licensure, all physicians shall maintain a valid United States Drug Enforcement Agency Controlled Substance Registration Certificate that allows them to prescribe any drug listed on the DMH formulary.
- 3.8 Employees who perform the “out-of-class” duties of a licensed classification **must have** the appropriate licensure status.
- 3.9 Employees in positions that do not require licensure but who hold licenses are strongly encouraged to maintain them in an active status.
- 3.10 Employees who materially falsify their employment record as it relates to licensure or submit a falsified license may be terminated from employment.



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- 3.11 Employees who materially falsify an examination application as it relates to licensure or who submit a falsified license shall have their application rejected and may be terminated from employment.
- 3.12 Employees are responsible for meeting any requirements, such as obtaining Continuing Education Units, to maintain a valid license set by their profession's licensing board in sufficient time so that their licensed status is continuously in force.

### **RESPONSIBILITIES**

- 4.1 The Program Manager shall:
- 4.1.1 Immediately take the following steps when informed by the employee that he/she no longer possesses a valid or in force license, registration or certificate:
    - 4.1.1.1 Ensure that the employee does not perform any duties that require the possession of the particular license, registration or certificate;
    - 4.1.1.2 Notify the Program Head, District Chief or other designated bureau administrator; and
    - 4.1.1.3 Notify the Personnel Officer.
  - 4.1.2 At the time of an employee's annual Performance Evaluation, review the required license(s). The employee shall make his/her license available for the manager's review.
  - 4.1.3 Attach a copy of each required, current, valid license to the employee's Annual Policy Certification form that is part of the Performance Evaluation package.
- 4.2 All employees in licensed positions shall:



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- 4.2.1 Ensure their license is appropriate for their position and is properly issued, valid and in force at all times;
- 4.2.2 Immediately report to their supervisor when their license has expired or has been suspended or revoked by the issuing agency;
- 4.2.3 Apply for and take all licensing examinations as soon as practicable;
- 4.2.4 Ensure that management has a copy of their current license(s) on file; and
- 4.2.5 Any employee who misrepresents or fails to make a timely report of any change of status to his/her license is subject to disciplinary action, up to and including discharge.

### **EMPLOYEES ON LEAVE**

- 5.1 When a licensure is a minimum requirement of a position and the employee is on leave when the license expires, the employee must maintain the license in an active status, when or if there is an expectation the employee will be returning to his/her position.
- 5.2 Employees who have taken active steps that would result in their not returning to work (such as applying for retirement or participating in an approved Workers' Compensation Rehabilitation Program) may have their license requirement waived by DMH.

### **AUTHORITY**

California Welfare and Institutions Code Sections 4996.18 and 5751.2

### **ATTACHMENTS**

Attachment I DMH Classifications That Require Licensure (Alphabetical)  
Attachment II DMH Classifications That Require Licensure (Item Number)

### **REVIEW DATE**

This policy shall be reviewed on or before May 1, 2008.